

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

MAY 21 2009

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DM DEPUTY CLERK

SHELLY THOMSON,

Plaintiff

v.

CHARLES EDWARD LINCOLN
and PEYTON YATES FREIMAN

Defendants

CIVIL NO. SA-09-CA-275-OG

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

On this date came on to be considered the memorandum and recommendation of United States Magistrate Judge Nancy Stein Nowak, filed in the above-styled and numbered cause on April 15, 2009. (Dkt. # 3). The parties were served with a copy of the recommendation, and no objections have been filed.¹ Where no party has objected to the Magistrate Judge's memorandum and recommendation, the Court need not conduct a de novo review. Instead, the Court need only review the recommendation and determine whether it is either clearly erroneous or contrary to law. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989). The Court has reviewed the memorandum and recommendation and finds it to be neither clearly erroneous nor contrary to law.

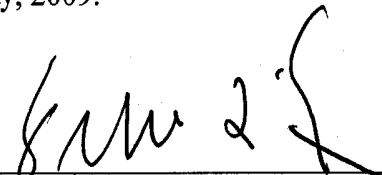
It is therefore ORDERED that the recommendation of United States Magistrate Judge Nancy Stein Nowak, filed in this cause on April 15, 2009, be and is hereby ACCEPTED pursuant to 28

¹A party desiring to object to a magistrate judge's findings and recommendations must file and serve written objections within ten days after being served with the recommendations. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). Service is made to the last known address of the party or his attorney, and service by mail is complete upon mailing. FED. R. CIV. P. 5(b).

U.S.C. § 636(b)(1).

It is further ORDERED that Defendant Freiman's application to proceed in forma pauperis is DENIED and this case is hereby REMANDED to the 274th Judicial District Court of Comal County, Texas. This case is closed, and any further pleadings must be filed in Comal County.

SIGNED and ENTERED on the 26th day of May, 2009.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE